IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 7156 of 2004(B)

PETITIONER:

K.SUKUMARA PILLAI, LOWER DIVISION CLERK,
CENTRAL STATE FARM, ARALAM FARM P.O.,
KANNUR 670 673.

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS:

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1. THE STATE FARM CORPORATIO OF INDIA
LIMITED, 14-15, FARM BHAVAN, NEHRU PALACE,
NEW DELHI-110019, REPRESENTED BY ITS
MANAGING DIRECTOR.

2. THE DIRECTOR, CENTRAL STATE FARM,
ARALAM FARM P.O., PARAVOOR (VIA) KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.U.K.RAMAKRISHNAN
SRI.E.K.MADHAVAN
SRI.P.V.LOHITHAKSHAN
SMT.P.VIJAYAMMA
SMT.UMA GOPINATH
SRI.DEVIDAS.U.K
SRI.SANDEEP.E.
SMT.AMRITA JAYARAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE REPRESENTATION DATED 18.10.2003 SUBMITTED BY THE PETITIONER BEFORE R1.

EXT.P2: COPY OF THE COMMUNICATION DATED 28.10.2003 ADDRESSED TO R1 BY R2.

EXT.P3: COPY OF THE JUDGMENT IN W.P.(C) NO.36145 OF 2003 © DATED 17.11.2003.

EXT.P4: COPY OF THE NOTE NO. CSF/CAN/3A-1(6) ADMN DATED 6.2.2004 ISSUED BY THE RESPONDENT.

RESPONDENTS EXHIBITS:

EXT.R2(a): COPY OF THE MEMORANDUM NO. CAN/6(5-21) ADMN DATED 27.6.1989 ISSUED BY THE SECOND RESPONDENT.

EXT.R2(b): COPY OF THE ORDER NO. SFCI/7-1/89/VIG. DATED 23.11.1989 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

EXT.R2(c): COPY OF THE NOTE NO. CSF/CAN/3A-1 (6)/82. ADMN. DATED 15.1.1998 ISSUED BY THE DIRECTOR-IN-CHARGE OF THE SECOND RESPONDENT FARM TO SRI.P.G.BALAKRISHNAN.

EXT.R2(d): COPY OF OFFICE ORDER NO. SFCI/PO-120/84/GA-III-1977 DATED AUGUST 1999/ 2.9.1999.

EXT.R2(e): COPY OF LETTER NO. SFCI/6-4/2000 GA DATED 30.11.2000 ISSUED BY THE CHIEF ADMINISTRATIVE OFFICER OF THE FIRST RESPONDENT.

TRUE COPY

P.A.TO JUDGE

KURIAN JOSEPH, J.

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W.P.(C)NO.7156 OF 2004

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Dated this the 28th day of March 2007

JUDGMENT

Writ petition is filed praying for a direction for retrospective promotion as Accounts Assistant from 9.9.1988. It is seen rejected as per Ext.P4 on the ground that there was no vacancy. According to the petitioner, he should have been promoted to the vacancy available as on the date on which he passed the eligibility test for the next promotion post. It is however stated in the counter affidavit filed on behalf of the second respondent that till 1992 petitioner could not be promoted owing to the pendency of disciplinary action and thereafter there is no post available to accommodate the petitioner. Since the Farm is now run by the State Government, it is for the petitioner to approach the Government. Petitioner may approach the Government within a period of two months from today and the matter will be duly considered by the Secretary to the concerned Administrative

Department with notice to the petitioner and appropriate orders adverting to the contentions taken by the petitioner will be passed within another three months.

Writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

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